

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-318-RJC-DSC

THIS MATTER comes before the Court upon Defendants' Motion to Dismiss, (Doc. No. 19), and the Magistrate Judge's Memorandum and Recommendation ("M&R"), (Doc. No. 22), recommending the dismissal of this action with prejudice.

On June 29, 2011, pro se Plaintiff Cherry Reaves (“Plaintiff”) filed a Complaint, (Doc. No. 1). On January 24, 2012, Defendants filed a Motion to Dismiss. (Doc. No. 19). Plaintiff failed to respond to Defendants’ Motion to Dismiss and on February 14, 2012, the Magistrate Judge entered an Order directing Plaintiff to show cause why this action should not be dismissed for failure to prosecute. (Doc. No. 21). The Magistrate Judge warned Plaintiff that failure to timely respond may result in dismissal of her lawsuit with prejudice. (Id.). Plaintiff failed to respond and, on March 13, 2012, the Magistrate Judge recommended dismissal of this action. (Doc. No. 22). Plaintiff did not timely object to the Magistrate Judge’s recommendation.

Federal Rule of Civil Procedure 41(b) provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule--except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19--operates as an adjudication on the merits.

It is Plaintiff's burden to move this case forward, and Plaintiff has failed to do so. Plaintiff's Complaint, (Doc. No. 1), is **DISMISSED with prejudice**.

Signed: April 13, 2012

Robert J. Conrad, Jr.
Robert J. Conrad, Jr.
Chief United States District Judge

